

Bridges + Son
31321

89-16

1
2 UNITED STATES
3 ENVIRONMENTAL PROTECTION AGENCY
4 REGION 9

5 In the Matter of :

6 Bridges and Son Trucking
7 1200 Orange Street
8 Rosamond, California

9 Mr. James Bridges
10 Mr. Leonard G. Nugent
11 Mr. George S. Vanek

12 Respondents

13 Proceeding under Section 106 of the
14 Comprehensive Environmental Response,
15 Compensation and Liability Act of 1980,
16 as amended by the Superfund Amendments
17 and Reauthorization Act of 1986,
18 (42 U.S.C. Section 9606)

Order No. 89-16

19 I. Jurisdiction

20 This Order is issued to Bridges and Son Trucking, Mr. James
21 Bridges, Mr. Leonard G. Nugent, and Mr. George S. Vanek
22 ("Respondents") pursuant to the Comprehensive Environmental
23 Response, Compensation and Liability Act of 1980, as amended by
24 the Superfund Amendments and Reauthorization Act of 1986
25 (CERCLA), 42 U.S.C. 9601, et seq., by authority delegated to the
26 Administrator of the United States Environmental Protection
27 Agency (EPA), and redelegated to the EPA Regions.

28 The Director of the Hazardous Waste Management Division, EPA
Region 9, has determined that there may be an imminent and sub-
stantial endangerment to the public health, welfare and the en-
vironment because of the release and threatened release of

1 hazardous substances from the Bridges and Son Trucking facility,
2 1200 Orange Street, Rosamond, California and the contaminated
3 portions of the adjoining properties owned by Mr. Leonard G.
4 Nugent and Mr. George S. Vanek (the Site).

5 The EPA has designated an On-Scene Coordinator ("OSC") for
6 the site, pursuant to 40 C.F.R. Part 300, published at 50 Fed.
7 Reg. 47912 (November 20, 1985).

8 9 II. Findings of Fact

10 BACKGROUND

11 A. The Bridges and Son Trucking facility and the contaminated
12 portions of the adjoining property owned by Respondents Mr.
13 Nugent and Mr. Vanek occupy approximately eleven acres along
14 Orange Street in Rosamond, California. The Site lies within an
15 industrial/ residential region.

16
17 B. Operations at the portion of the Site currently owned by
18 Respondent Bridges began in 1968 when Chemical Milling Interna-
19 tional conducted aluminum etching operations. This operation
20 ceased in 1972 and the property was then sold to Mr. Bridges who
21 began the operation of Bridges and Son Trucking. In addition to
22 conducting general truck repairs and maintenance on the property,
23 Mr. Bridges began a metal recovery operation. Approximately one
24 ton of ore per year was processed at the Bridges facility. The
25 ore processing involved the use of several strong mineral acids.

26
27 C. In 1986, the Kern County Environmental Health Department
28 (KCEHD) became alarmed at the apparent high incidence of cancer

1 deaths of young children in the Community of Rosamond, Califor-
2 nia. The KCEHD notified the California Department of Health
3 Services (CDHS); and in 1987, the CDHS began conducting an inves-
4 tigation in the region to identify and isolate potential health
5 hazards within the community.

6

7 D. In March of 1988, the CDHS and its contractor, Metcalf &
8 Eddy, conducted a Preliminary Investigation at the Site. Their
9 study concluded that the Bridges property and portions of the ad-
10 joining properties owned by Respondents Mr. Nugent and Mr. Vanek
11 were contaminated with heavy metals and several organic com-
12 pounds. Additional sampling was conducted by the California
13 Department of Health Service's Sampling Surveillance Enforcement
14 unit in the Spring of 1989. The CDHS issued an Order to the
15 Respondents in June of 1989 to secure and stabilize the Site.
16 The Respondents have begun to partially fulfill their obligations
17 under the CDHS Order.

18

19 E. The CDHS has requested EPA assistance in responding to the
20 Site pursuant to CERCLA, and specifically to assist in fencing
21 and stabilizing the Site.

22

23 **ENDANGERMENT**

24

25 F. Concentration Levels for lead and copper at the Site exceed
26 the State's Total Threshold Limit Concentration levels (TTL) by
27 40 and 20 times, respectively for the most contaminated soils.
28 Materials with concentrations above the TTL are considered haz-

ardous substances under CERCLA. In addition, high concentrations of arsenic, antimony, chromium, mercury, silver and nickel are also present at the site.

4

G. Several toxic semi-volatile organic compounds were detected in soil in the surrounding areas where metal recovery operations occurred. These compounds include hexachlorobenzenes, five separate polynuclear aromatic hydrocarbons (PAHs), and two phthalate compounds.

10

H. Samples collected from an ash pile located along the southern boundary of the Site revealed the presence of various dioxin compounds.

14

I. The inhalation and/or ingestion of the lead and copper compounds present at the Site can cause severe health effects, especially to young children. The organic compounds which have been identified on the Site are also known to cause several adverse health effects.

20

J. The immediate population at risk includes those individuals working or trespassing on the Site. Individuals on site may be exposed to potentially dangerous air contaminants or may accidentally ingest contaminated soil.

25

K. Off-site populations in the surrounding residential and industrial areas are presently at risk because of the possibilities of inhaling or ingesting wind blown or surface water-borne con-

1 taminated soil and dust particles.

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3

II. Conclusions of Law

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5 A. The respondents are "persons" as defined in Section
6 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

7

8 B. The property located at the Bridges and Son Trucking
9 facility, 1200 Orange Street, Rosamond, California and the ad-
10 joining properties owned by Mr. Leonard G. Nugent and Mr. George
11 S. Vanek are a "facility" as defined in Section 101(9) of CERCLA,
12 42 U.S.C. Section 9601(9).

13

14 C. The high concentrations of lead and copper compounds and
15 hexachlorobenzenes and PAHs are "hazardous substances" as term is
16 defined in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14).

17

18 D. The presence of hazardous substances on the Site and
19 the potential for those substances to leak, mix and migrate con-
20 stitutes a "release" or "threatened release" of hazardous sub-
21 stances into the environment as defined in Section 101(22) of
22 CERCLA, 42 U.S.C. Section 9601(22).

23

24 E. Respondents are "responsible parties" as defined in
25 Section 107(a)(3) of CERCLA, 42 U.S.C. Section 9607(a)(3).

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27

IV. Determinations

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Based on the Findings of Fact and Conclusions of Law, the

1 Director, Hazardous Waste Management Division, EPA Region 9, has
2 made the following determinations:

3

4 A. The release or threatened release of hazardous sub-
5 stances and pollutants or contaminants from the Site may present
6 an imminent and substantial endangerment to the public health,
7 welfare, and the environment.

8

9 B. In order to prevent or mitigate immediate and sig-
10 nificant risk of harm to human health and the environment, it is
11 necessary that actions be taken immediately to contain and
12 prevent the release and potential release of hazardous sub-
13 stances, pollutants or contaminants from the Site.

14

15 C. The removal measures required by this Order are consis-
16 tent with the National Contingency Plan, 40 Code of Federal
17 Regulations, Part 300.

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19

V. Order

20 Based upon the Findings of Fact, Conclusions of Law and
21 Determinations, EPA hereby Orders the Respondents to implement
22 the following measures under the direction of EPA's On-Scene
23 Coordinator.

24

25 A. The Respondents must erect and maintain a continuous metal
26 fence around the entire Site perimeter, including a buffer zone,
27 which is at least six (6) feet high and containing three (3)
28 strands of barbed wire. Hazardous waste site signs meeting

1 California state specifications for size, wording and spacing
2 must be placed on the fence.

3

4 B. The Fence must contain at least one (1) twenty (20) foot
5 wide gate to allow heavy equipment access to the Bridges and Sons
6 property and to the adjoining property owned by Mr. Leonard G.
7 Nugent and Mr. George S. Vanek.

8

9 C. All exposed soils on the Site must be properly stabilized by
10 the application of an appropriate polymer which is adequate to
11 prevent on-site soils from being blown offsite or carried off-
12 site by surface water.

13

14 D. The EPA and the California Department of Health Services
15 shall be informed at least forty-eight hours (48) prior to the
16 application of the polymer to monitor its application.

17

18 E. The polymer must be faithfully maintained and repaired until
19 further notice by the EPA and the California Department of Health
20 Services.

21

22 F. The Respondents shall complete the work required under this
23 order within twenty-one days (21) of the Order's effective date.
24 The EPA must be notified in writing (5) days in advance of this
25 completion date.

26

27 G. Each Respondent shall fully implement the plan as approved
28 by EPA within the time period set forth in the schedule, and

1 shall fully cooperate with each other in carrying out any and all
2 activities required pursuant to this Order.

3
4 **VI. Compliance With Other Laws**

5 Respondents shall comply with all federal, state and local
6 laws and regulations in carrying out the terms of this Order. All
7 hazardous substances removed from the facility must be handled in
8 accordance with the Resource Conservation and Recovery Act of
9 1976, 42 U.S.C. Section 6921, et seq., the regulations promul-
10 gated under that Act, and Section 121(d)(3) of CERCLA, 42 U.S.C.
11 Section 9621(d)(3).

12
13 **VII. On-Scene Coordinator**

14 EPA has appointed an On-Scene Coordinator (OSC) for the Site
15 who has the authority vested in the On-Scene Coordinator by 40
16 C.F.R. Part 300, et seq. The On-Scene Coordinator for the Site
17 for the purposes of this Order is:

18 Robert Mandel
19 United States Environmental Protection Agency, Region 9
20 215 Fremont Street
21 San Francisco, California 94105
22 (415) 974-8927

23
24 **VIII. Submittals**

25 All submittals and notifications to EPA required by
26 this Order or any approved proposal under this Order concerning
27 the Bridges and Son Trucking facility, et al., Order number 89-
28 16, shall be made to:

29 Jeff Zelikson
30 Director, Hazardous Waste Management Division
31 United States Environmental Protection Agency, Region 9
32 215 Fremont Street
33 San Francisco, California 94105

1 Copies of all submittals and notifications shall be sent to
2 the On-Scene Coordinator.

3 All approvals and decisions of EPA made regarding the sub-
4 mittals and modifications shall be communicated to Respondents by
5 the Director, Hazardous Waste Management Division or his
6 designee. No informal advice, guidance, suggestions, or comments
7 by EPA regarding reports, plans, specifications, schedules, or
8 any other matter will relieve Respondents of their obligation to
9 obtain formal approvals as required by this Order.

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12 IX. Access

13 Respondents shall provide EPA employees and other represen-
14 tatives with complete access to the facility at all times. Noth-
15 ing in this Order limits any access rights that EPA or other
16 agencies may have pursuant to law.

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18 X. Endangerment During Implementation

19 The Director, Hazardous Waste Management Division, EPA
20 Region 9, may determine that acts or circumstances (whether re-
21 lated to or unrelated to this Order) may endanger human health,
22 welfare or the environment and may order the Respondents to stop
23 further implementation of this Order until the endangerment is
24 abated.

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26 XI. Government Not Liable

27 The United States Government and its employees and other
28 representatives shall not be liable for any injuries or damages

1 to persons or property resulting from the acts or omissions of
2 Respondents, their employees or other representatives caused by
3 carrying out this Order. For the purposes of this Order, the
4 United States Government is not a party to any contract with the
5 Respondents.

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XII. Noncompliance

8 A. A willful violation or failure or refusal to comply
9 with this Order may subject Respondents to a civil penalty of up
10 to \$25,000 per day in which the violation occurs or failure to
11 comply continues, pursuant to the provisions of Section 106(b)(1)
12 of CERCLA, 42 U.S.C. Section 9606(b)(1). Failure to comply with
13 this Order without sufficient cause may also subject Respondents
14 to punitive damages of up to three times the total costs incurred
15 by the United States for site response pursuant to Section
16 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

17

18 B. EPA may take over the response action at any time if
19 EPA determines that Respondents are not taking appropriate ac-
20 tion. EPA may order additional actions it deems necessary to
21 protect public health, welfare, or the environment.

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XIII. Opportunity to Confer

24 Respondents may request a conference with the Director, Haz-
25 ardous Waste Management Division, EPA Region 9, or his staff to
26 discuss the provisions of this Order. At any conference held
27 pursuant to Respondents' request, Respondents may appear in per-
28 son or by counsel or other representatives for the purpose of

1 presenting any objections, defenses or contentions which Respon-
2 dents may have regarding this Order. If Respondents desire such
3 a conference, Respondents must make a request orally within 24
4 hours of receipt of this Order, and confirm the request in writ-
5 ing immediately. A conference does not alter the effective date
6 of the Order.

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XIV. Parties Bound

9 This Order shall apply to and is binding upon the Respon-
10 dents, their officers, directors, agents, employees, contractors,
11 successors, and assigns.

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XV. Notice of Intent to Comply

14 Within 24 hours of receipt of this Order, Respondents shall
15 orally inform EPA of their intent to comply with the terms of
16 this Order. The oral notice shall be confirmed within two days
17 by written notice to the Director. Failure to timely notify EPA
18 of the Respondents' intent to fully comply will be construed by
19 EPA as a refusal to comply.

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XVI. Notice to State

22 Notice of the issuance of this Order has been given to the
23 State of California and Kern County. EPA will consult with the
24 California Department of Health Services and the County of Kern,
25 as appropriate.

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XVII. Effective Date

28 Notwithstanding any conferences requested pursuant to the

1 provisions of this Order, this Order is effective within five (5)
2 days of the date of signature by the Director of Hazardous Waste
3 Management Division.

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6 IT IS SO ORDERED on this 2nd day of August, 1989.

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8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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10 by: 
11 Jeff Zelickson
Director, Hazardous Waste Management Division EPA Region 9

12 Contacts:

13 Robert Mandel
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